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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
October 13, 2009**

Present: Commissioners Weber and Kirsch; Harold Stepper and Mike Hoffman, Jefferson Co. Planning Dept.; Jan Anderson, Monitor/Courier; Cory Kirsch, Bull Mt. Fire Dept.; Dan Felska, Jack Creek Estates.

CALENDAR REVIEW

10.13. 6:00PM, Solid Waste Board, Central Shop
10.15-17 Leadership Montana Conference, Whitefish
10.15 3:00PM, RMDC, Helena
6:00PM, MSTI, Butte, Tech. Library Auditorium
10.22 4:00PM, Zoning, Baptist Church, Boulder
7:00PM, CDB, Whitehall City Hall
10.29 CTAC, Whitehall Extension Office

COMMISSION REPORTS

Commissioner Weber reported that he met with Kip Kline, NorthWestern Energy, and a landowner regarding easement across private property to bring power to the Clancy Transfer site last Tuesday, Oct. 6th. It was the suggestion of the landowner that the power cross his property completely underground, avoiding any power lines overhead. Kip Kline thought that was an alternative and may even be less expensive. Commissioner Weber had a phone message in to the landowner.

Commissioner Weber reported that he attended the Solid Waste Safety Meeting on Wednesday, October 7th. Bonnie Ramey, Jefferson Co. Clerk & Recorder, reviewed the procedure for handling and transporting money at the transfer sites, and passed out a new accountability form. Carolyn Henry, Safety Coordinator, addressed the issue of a large directive sign for use at the MT City transfer site, HazCom training for some employees, and review of MSDS binders for the Road Shops and Solid Waste sites.

Commissioner Weber reported that he attended a CTAC meeting on Thursday, October 8th, at 8:00AM. He said the mine is coming back 15% faster than anticipated. There may be a slow down as hauling distances get longer but they are hopeful that won't happen. They are investing

in better trucks and counting on those efficiencies to keep them ahead of schedule. The Business Park is moving forward. The wind project still has some viable alternatives, and the TIF Dist. is moving through the county process.

Commissioner Weber reported that he attended the Clancy Library meeting. The subcommittee introduced their suggestions for providing good north end services. Their recommendation was to have a discussion with the Clancy School Dist. who own the current building about upgrades needed. They also suggested that a library be pursued for the MT City area. They felt that both were needed based on population and to provide needed services.

Commissioner Kirsch reported that he attended a DUI Task Force meeting on Tuesday, October 6th. He said they were busy reorganizing. They'd had a lot of resignations, and now had applications out for filling those positions.

Commissioner Kirsch reported that he attended an RMDC meeting on October, 7th. They discussed the Head Start Program for the Boulder area. He said unfortunately they have no program as yet but they are increasing efforts to that end.

Commissioner Kirsch reported that he attended an Area IV meeting on Aging on Thursday, October 8th in Livingston. They discussed budgets for the year for Senior sites, Meals on Wheels, and proposed amounts of money that would be received from the government.

Commissioner Kirsch reported that at the meeting today for the Veteran's Home Siting Committee, here in Boulder, the discussion seemed in favor of a Butte location.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

APPOINT BOARD MEMBERS

Commissioner Kirsch made a motion to appoint Kathy Rux to the Health Board. Commissioner Weber seconded. The motion carried.

Commissioner Kirsch made a motion to appoint Cindy Larsen to the DUI Task Force. Commissioner Weber seconded. The motion carried.

AWARD BID FOR SIDEWALK PROJECT

Commissioner Weber explained that the Commission received 3 bids for the work to be done on the sidewalks project. Those had been sent on to Great West Engineering for review. He said they received a letter with the Bid Tabulations and Notice of Award for the project from Todd Kuxhous with Great West. He read the letter aloud. It explained that though Diamond Construction was the low bidder their mobilization bid item exceeded the 10% maximum requirement. The recommendation was rejection of that bid and the selection of White Resources for the project.

Commissioner Weber read from the Bid Tabulation sheet that the Engineer's estimate was \$29,608.50, Diamond Construction's bid was \$35,304.00, White Resources' bid was \$39,988.50,

and Northside Welding's bid was \$44,764.84. He expressed that it was unfortunate that Diamond hadn't followed the bid outline for mobilization costs because their bid was over \$4,000.00 less.

Commissioner Weber made a motion to grant the Planning office drainage improvements and county Commission building sidewalk improvements project to White Resources. Commissioner Kirsch seconded. The motion carried. Commissioner Weber signed the Notice of Award.

SUBDIVISION REVIEW

FINAL PLAT REVIEW AND SUBDIVISION IMPROVEMENT AGREEMENT - JACK CREEK ESTATES MAJOR - BOULDER

Mike Hoffman stated that in order to facilitate the final plat the Commission first needed to facilitate the Subdivision Improvements Agreement. He handed out copies of that document, an estimate letter for work on Rocky Rd., and check for the required amount to guarantee completion of the improvements.

Mike explained that the essence of the agreement entered into today, October, 13, 2009 was under item #3 of the agreement. He read the item aloud describing the improvements required for Rocky Rd. Under item #4 he stated the developer had written a check in the amount of \$1,500.00 in place of a letter of credit. He stated the labor quote was \$1,000.00 and the bond was set at 1.5 times the quoted dollar value or \$1,500.00.

Mike said it is the recommendation of the Planning Dept. that the Commission grant approval of this agreement.

Commissioner Kirsch made a motion to accept the Subdivision Improvements Agreement for Jack Creek Estates. Commissioner Weber seconded. The motion carried. The Commissioners signed the document.

Mike then presented the second item as the Final Plat Review for the Jack Creek Estates Major Subdivision. He read the background information aloud to the Commission. It described the proposed subdivision as a thirty-seven lot major subdivision located approximately 10 miles south-east of Boulder, on MT Hwy. 69 off Rocky Road.

Mike explained that all the conditions of approval have been met aside from item #8 pertaining to Rocky Rd. that was addressed in the Improvements Agreement just approved. Mike said the Planning Dept. had received a letter from the Bull Mt. Fire Dept. stating that the water supply is operational as outlined in condition #18. Mike further explained that there has been litigation regarding Rocky Rd. in this particular proposal and in order to facilitate the Final Plat the county Attorney had drafted language he would like attached to the plat to addressing those concerns. Mike then read the attached language aloud, stating at the end that Mr. Felska is aware of the language and has agreed to the attachment.

Mike stated that the Planning Dept.'s recommendation to the Commission is to grant Final Plat Approval. There was some discussion regarding the language in the bond pertaining to work to be finished on Rocky Rd. and the litigation issue. It was decided that the Commission would make a decision regarding the bond based on the outcome of the litigation. There were questions

for Cory Kirsch, Bull Mt. Fire Chief, as to providing fire protection if there ends up being only one way in and out of the subdivision. He said that 2 roads in and out are nice but not necessary. Cory felt that one road is often the case in other subdivisions, and that the width of this access road is adequate.

Commissioner Kirsch made a motion to grant Final Plat Approval for Jack Creek Estates Major Subdivision. Commissioner Weber seconded. The motion carried. The Commissioners signed the documents.

DISCUSS AND DECIDE ON SUBDIVISION IMPROVEMENT AGREEMENT - JEFFERSON ACRES

Mike reported that nothing much had changed. He'd filled in the blanks as instructed under item #5. He said they basically took the quote from Great West Engineering at \$102,128.13. The 1.5 times the quoted dollar value required by the county for a bond or letter of credit calculated to \$153,192.19 Mr. Hoagland provided a letter of credit of \$157,500.00. The extension was until June 3, 2010 or sooner, and the letter of credit extended to July 15, 2010.

Mike said they don't have the easement filed but he has a letter from Mr. Lombardy stating he fully intends to grant the easement. Commissioner Weber interjected that he'd spoken to Mr. Hoagland who said his attorney was working with Mr. Lombardy to get the easement filed. Commissioner Weber didn't believe that the easement was the only alternative. He said they can put a water storage structure on the site which would make that easement not necessary. He clarified then that there were the two options of on site storage tanks or the use of an irrigation pond to draw water from. The use of the pond is of benefit to the developer because is the less expensive option. If that were the case the easement would have to be in place.

Commissioner Weber stated the developer has also submitted an application for an Encroachment Permit on a county road as it pertains to an easement and fill area. He pointed out that the encroachment permit specifies in a hand drawing, providing a small widening of the road where fire trucks could load up on water from that pond. He pointed out that he'd gone and inspected the site himself. He noted that Commissioner Lythgoe had signed the permit, but that Joe Carter, Jefferson Co. Road Supervisor had not been available to sign it. Commissioner Weber said after his inspection he would recommend that the Encroachment Permit not be signed at this time because he didn't feel that just widening the road out was a viable option. He felt a real turn out needed to be built. He said it was down in a swampy area so they would have to get a permit from the Corp. of Engineers for water issues, and that a cul-de-sac would actually be the best sort of design. Commissioner Weber spoke to Sean Hoagland, the developer, about those concerns. He pointed out that they needed a better defined plan other than the hand drawing that had been provided. It was his recommendation that the permit be held until more detailed information was provided. He felt the county's liability was covered whether or not the pond and cul-de-sac option or the on site storage tanks option was chosen. Harold Stepper added that Mr. Lombardy has a well that is 500ft. deep, west of the subdivision, and that might be another option.

Commissioner Weber made a motion to grant the Subdivision Improvements Agreement Extension for Jefferson Acres Major Subdivision, with the bond amount of \$157,500.00 supplied. Commissioner Kirsch seconded. The motion carried. The Commissioners signed the

documents.

FINAL PLAT REVIEW - KILLPACK MINOR SUBDIVISION - MT CITY

Mike informed the Commission that they were not ready at this time to move forward with the Final Plat Review, because the developer was waiting on compaction tests.

OPPORTUNITY FOR PUBLIC COMMENT

Commissioner Weber noted the absence of Commissioner Lythgoe for health reasons and extended formal prayers for his healing and hopes that he gets better soon.

Jan Anderson, Monitor/Courier, asked about the 10% limit on mobilization costs in the bid outline. Commissioner Weber explained that requirement and the reasons for it.

Jan then asked about the Commissions position on the new Wilderness bill proposed by Senator Tester. Commissioner Weber explained that they have taken a position in the past regarding the Partnership Strategy which this current bill is very similar to and obviously is crafted from that Strategy. He said the major point of opposition to the Strategy and to this new bill is the lack of enough players at the table. He clarified that agriculture isn't included, and recreation isn't included. He pointed out at a past meeting with the Partnership Strategy, one of the local owners of Marks Lumber asked Sherm Anderson, a timber representative, why they hadn't been asked to the table for input. That lack of representation is what Jefferson County has opposed about the whole idea, and continues to oppose. He also pointed out that from the timber perspective this bill doesn't address the issue of extreme environmentalists that bring about most of the lawsuits blocking timber harvesting, and so they don't think projects will go forward anyway.

Commissioner Kirsch made a motion to adjourn the meeting. Commissioner Weber seconded. The motion carried.

COM: ch

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER